

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, August 29, 2011

Those Present: Mr. James E. McClellan, Chairman
Mr. Charles R. Cline, Board Member
Mr. Richard E. Zimmerman, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Ms. Kathy L. Vahle, Administrator
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **Guido's** – Ms. Vahle stated there were two people who failed to notify the Board that they moved. Based on the violation guidelines, a warning letter was sent.
2. **Regulations Correction** – Ms. Vahle stated that she found a mistake in the regulation booklet that occurred during the printing process. A corrected insert will be placed in the booklets.
3. **Mirage** – Ms. Vahle stated that the applicant has applied for a copy of his Certificate of Naturalization but it will take up to six months to receive this copy. He has requested permission to go forward with the application with a copy of his passport until the certificate is received.

MOTION ONE: Mr. Zimmerman made a motion for an exemption to the requirement for a Certificate of Naturalization, contingent on receipt of the Certificate by 5-1-12.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. McClellan – Aye
Mr. Cline – Nay

The vote was ***Aye – 2 Nay – 1***
(Motion Passed)

4. **Minutes of the Closed Meeting** – Ms. Vahle stated that the Board received a copy of the Minutes and they need to be approved.

MOTION ONE: Mr. Zimmerman made a motion for approval of the Minutes.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline - Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was ***Aye – 3 Nay – 0***
(Motion Passed)

5. **Personnel Issues** – Mr. Cline stated that Mr. Zimmerman should be the Board's designee to replace Mr. Snyder as the contact person for discussion of personnel issues with Ms. Vahle.

MOTION ONE: Mr. Cline made a motion for Mr. Zimmerman to replace Mr. Snyder as the contact person for discussion of personnel issues with Ms. Vahle.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline - Aye
Mr. McClellan – Aye

The vote was ***Aye – 2 Nay – 0***
(Motion Passed)

6. **Frederick Moose** – Ms. Vahle stated she received an anonymous complaint stating that the Frederick Moose was not following the rules and were over serving patrons at the bar and giving away

alcohol. The Liquor Inspector followed up and spoke to the Commander and he said no free alcohol would be given out.

7. **Griff's Landing** – Ms. Vahle stated she received an anonymous copy of one of the bartender's Face Book pages in the mail says they are giving bottomless Mimosas and Bloody Marys on Sundays. The Liquor Inspector stated that he spoke to Jen Smith, who said if you buy brunch you have to pay an additional \$1 for every drink you get, and there will be no bottomless drinks. The Liquor Inspector is to follow up and investigate this further.
8. **Violations** – Ms. Vahle stated that Fosters Grill sent a letter requesting to pay their fine for the Late Renewal instead of coming in for a Hearing. Also Will's Place sent a request to pay their fine instead of coming in for a Hearing. The Board agreed to allow them to pay their fines.
9. **DJ Liquors** – Ms. Vahle has contacted this establishment. Due to the attorney's prior obligations, a Hearing will be scheduled for October 24, 2011.
10. **East Patrick Liberty** – Mr. Cline asked about this establishment's violation and Ms. Vahle stated a letter was sent out and scheduled.
11. **Processing Fees** – The Board previously discussed amending the Regulations to include a processing fee with the application. Ms. Vahle will work on a proposal to be voted on and adopted.
12. Decision Required: New

RE: William R. Fitzhugh, Jr. and
Brian T. Duncan for
Terrapin Ice LLC
t/a Rosedale Ice Company
300 N. East St. Unit A
Frederick, MD 21702
Class A, Off Sale, Beer Only, Sunday
Permit

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Occupancy Permit and the Fire Marshal approval. Mr. Fitzhugh stated that the Fire Marshal has approved and they are waiting for the Building Inspector. The Liquor Inspector stated that they are compliant.

MOTION ONE: Mr. Cline made a motion for a conditional approval until September 19, 2011.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

13. Decision Required: Transfer

TRANSFER FROM:

RE: George M. Barton and
Andrew A. Page
for the use of
T.G.I. Friday's of
Frederick Co. Inc.
t/a T.G.I. Friday's
5285 Buckeystown Pike
Frederick, MD 21704
Class B, On Sale, Beer, Wine & Liquor

TRANSFER TO:

RE: George M. Barton and
Kariem Hammonds
for the use of
T.G.I Friday's Of
Frederick Co. Inc.
t/a T.G.I. Friday's
5285 Buckeystown Pike
Frederick, MD 21704
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Fire Marshal approval and a copy of a readable driver's license. Mrs. Schrecengost represented Mr. Barton by Power of Attorney. The Liquor Inspector stated they are compliant.

MOTION ONE: Mr. Zimmerman made a motion for a conditional approval until September 19, 2011.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

14. Decision Required: New

RE: Jason Miller, Michael
James Mercer and
Christopher Dean
Parsell for the use of
The Wine Kitchen II,
LLC
t/a The Wine Kitchen
50 Carroll Creek Way,
Suite 140
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Occupancy Permit, the Fire Marshal, the Health Department, the Retail Sales Tax license, fingerprinting, the Background check, the Alcohol Awareness and the Inspector's Report. The licensees advised the Board that the building was still under construction.

MOTION ONE: Mr. Cline made a motion for a conditional approval until November 14, 2011.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

15. Decision Required: Approval of the Public Meeting Minutes for August 1, 2011, August 8, 2011 and August 15, 2011.

The Public Meeting Minutes of August 1, 2011, August 8, 2011 and August 15, 2011 were approved.

MOTION: Mr. Cline made a motion to approve the minutes for August 1, 2011, August 8, 2011 and August 15, 2011.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

16. **Mirage** – A citizen, Trudy LeGarde, wanted to discuss with the Board regarding crowds gathering outside Mirage after hours and the loud music. Mrs. Thall advised her of the requirements for filing a protest with the Board. Ms. Vahle will send her the information on filing a protest at Renewal time.

ADJOURN

The meeting was adjourned at 9:30 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees